

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:10-CR-166-1-F

UNITED STATES OF AMERICA

v.

SEAN MASSEY,
Defendant.

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ORDER

This matter is before the court on the request by Tracy W. Johns, director of the Federal Correctional Institution in Butner, North Carolina, for an extension of time to complete extensive psychological/psychiatric testing of the defendant. On September 21, 2010, the defendant, pursuant to 18 U.S.C. § 4241, was committed to undergo psychological/psychiatric examination in order to determine whether there is reasonable cause to believe that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to assist properly in his defense.

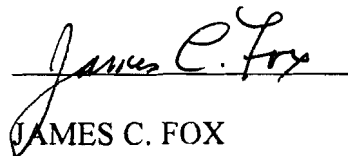
Under 18 U.S.C. § 4247(b), the director of the facility in which the psychological/psychiatric examination is being conducted may apply for a reasonable extension upon a showing of good cause that additional time is necessary to observe and evaluate the defendant. However, if the psychological/psychiatric testing of the defendant was ordered pursuant to 18 U.S.C. § 4241, that extension may not exceed fifteen days.

For GOOD CAUSE SHOWN, the request for the extension of time to complete psychological/psychiatric testing of the defendant is ALLOWED. The evaluation period for the

defendant shall end on November 18, 2010. Hearing on the issue of the defendant's competency to proceed is scheduled for **December 6, 2010** term of court, by which time the report on the psychological/psychiatric evaluation should have been completed and provided to the court and to counsel.

SO ORDERED.

This the 14th day of October, 2010.

A handwritten signature in black ink, reading "James C. Fox", is written over a horizontal line.

JAMES C. FOX
Senior United States District Judge